

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/6/11
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JASON ZIMMERMAN,

Plaintiff,

-against-

PORTFOLIO RECOVERY
ASSOCIATES, LLC,

Defendant.

ORDER

09 Civ. 4602 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:


Plaintiff submitted a letter dated November 14, 2011 asking the Court to reconsider that portion of its November 7, 2011 order which adopted the Defendant's proposal that potential class members "provide whatever documents they believe identifies the nature of the debt" and directing them to "[a]ttach a copy of any account statement, receipt, invoice, canceled check, or other documentation concerning any debt you believe PRA attempted to collect from you." (Pltf. Ltr. 1) Plaintiff argues that "the notice requirements imposed by the Court may unintentionally impose a greater burden on Class Members than is necessary" and that "[r]equiring consumers to provide lengthy documentation on accounts that are now many years old is both impractical and unnecessary." (*Id.* at 1-2) As this Court noted in the November 7, 2011 order, however, because the FDCPA addresses only consumer debts, "[t]he need to show that the transactions involved in a particular case are consumer transactions is inherent in every FDCPA class action[]." Macarz v. Transworld Sys., Inc., 193 F.R.D. 46, 57 (D. Conn. 2000) (quoting Wilborn v. Dun & Bradstreet, 180 F.R.D. 347 (N.D. Ill. 1998)).

The parties are directed to address by December 13, 2011 a modification to Defendant's proposed claim form that would permit class members to provide an affirmation

explaining that the debt which was the subject of Defendant's collection efforts was incurred for personal, household, or family purposes and not as a business expense. Class members would be permitted to submit such an affirmation only in the event no documents reflecting the debt – e.g., an account statement, receipt, invoice, or canceled check – was available.

Dated: New York, New York
December 6, 2011

SO ORDERED.



Paul G. Gardephe
United States District Judge